



COLUMBIA RIVERKEEPER
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July 29, 2016

Regional Freedom of Information Officer
U.S. EPA, Region 10
Office of Ecosystems, Tribal and Public Affairs
1200 6th Avenue ETPA-124
Seattle, WA 98101

Submitted via FOIAOnline

RE: Freedom of Information Act Request

Dear FOIA Officer,

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, Columbia Riverkeeper ("Riverkeeper") requests the records described herein maintained by, or within the control of, the U.S. Environmental Protection Agency ("EPA"). Riverkeeper is a 501(c)(3) non-profit organization that protects and restores the water quality of the Columbia River and all life connected to it, from the headwaters to the Pacific. To achieve these objectives, Riverkeeper operates scientific, educational, and advocacy programs aimed at protecting water quality and habitat in the Columbia Basin. Riverkeeper submits the following FOIA request to advance its mission of protecting and restoring the Columbia River, which is currently threatened by high water temperatures due to global warming and other anthropogenic factors.

Request for Public Records

Riverkeeper requests electronic copies of the information contained in Appendix A of the EPA publication: "*Developing a Temperature Total Maximum Daily Load for the Columbia and Snake Rivers: Simulation Methods*," written by John Yearsley in 2003 (attached). Appendix A is also referred to as "the data CD," (*see* Yearsley 2003, p.8). A copy of this CD in readable format would fulfil Riverkeeper's FOIA request.

Request for Fee Waiver

Riverkeeper seeks a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). A fee waiver is appropriate because Riverkeeper will use the information obtained through this FOIA request to inform the public about the existing and future water temperature issues

in the Columbia River, and how those water temperature issues may impact Columbia River fish and fisheries. FOIA's fee waiver provision states: "[d]ocuments shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." *Id.* Riverkeeper's utilization of the requested documents will significantly contribute to public understanding of water temperature issues in the Columbia River and the impact of various management and environmental factors on water temperature in the Columbia River. This request is not in the commercial interest of Riverkeeper, a non-profit organization.

Presenting information gained through Riverkeeper's FOIA request is in the public interest because it will expand the public's understanding of water temperature problems in the Columbia River. Riverkeeper closely monitors water quality and temperature, and works to improve and protect habitat in the Columbia, particularly by raising awareness of high water temperatures, such as those observed in summer 2015.

Riverkeeper is requesting these documents from EPA to understand, and expand public awareness of, how climate change and other human activities impact Columbia River temperatures. Specifically, Riverkeeper will be able to make use of the technical data contained in the requested data CD because Riverkeeper staff has the expertise to use the requested information to model Columbia River temperatures under conditions similar to 2015, and under hypothetical river management scenarios.

Riverkeeper also has expertise in disseminating information obtained through FOIA and other public records requests. Presenting such information to the public is a central focus of our organization. Riverkeeper presents information to the public through its website, newsletters, e-newsletters, public action alerts, public reports, media, and public presentations. For example, Riverkeeper regularly presents information on Columbia River issues—including salmon habitat conservation and water temperature problems—at elementary and high schools, community colleges, public meetings, at Riverkeeper public events, and in front of government bodies. Specifically, Riverkeeper has disseminated information gained through public records requests to its members and the general public through Riverkeeper's website, e-newsletter, and print newsletter. Riverkeeper has also distributed information gained through public records requests to a variety of local and regional media outlets in Oregon and Washington, resulting in numerous stories highlighting the risks of increasing water temperatures in the Columbia River. Riverkeeper intends to disseminate the information gleaned from the requested

data CD through an array of effective channels. Accordingly, waiving Riverkeeper's FOIA fees will benefit the general public by leading to an increased awareness of Columbia River temperature issues and their impacts on the Columbia's iconic salmon runs.

If a fee waiver is not granted, Riverkeeper asks that EPA provide a cost estimate prior to completing this request if the cost is likely to exceed \$25. Please contact me at (541) 490 - 0487 or miles@columbiariverkeeper.org if you have any questions about this FOIA request.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Miles Johnson', with a long horizontal flourish extending to the right.

Miles Johnson
Clean Water Attorney
Columbia Riverkeeper